

REMARKS

Claims 22, 23, 25-27 and 29-43 are now in this application.

THE FINALITY OF THE ACTION OF JANUARY 15, 2009 WAS PREMATURE

Making this action Final was inappropriate and premature.

Claim 22 is identical to former claim 28, and in the first Office action claim 28 was not rejected using the reference to Cadman et al. Since the Final action includes a rejection of claim 22 using Cadman et al. which is a new rejection not required by changes to the claims since claim 22 is identical to former claim 28, it was not proper for the examiner to make this action Final. More specifically, claim 22, as presented in the amendment of November 18, 2008 is identical to former claim 28. Claim 28 was dependent on claim 24 which in turn was dependent on claim 22. Since the language of both of claims 24 and 28 was incorporated into claim 22 with no changes other than deletion of the phrases "The pressure limiting valve of claim 22," and "The pressure limiting valve of claim 24", the content of **claim 22 is identical to former claim 28**. Since the first action, dated June 18, 2008, did not include any mention of Cadman et al., in particular that action did not reject any of claims 22, 24 or 28 based on Cadman et al., the examiner's action of rejecting claim 22 in the January 15, 2009 Office action constituted a totally new rejection which was not in any way necessitated by changes made to the claims, since claim 22 is identical to former claim 28.

Again, the content of claim 22, as presented in the amendment of November 18, 2008 is identical to the content of former claim 28, which had not in any way been rejected based on the reference to Cadman et al.

**Accordingly, the examiner's action of making the January 15, 2009 rejection Final was premature.**

Further, it is noted that the examiner has included in the Office action that claim 22 is rejected over Jay et al. in view of Waffler. If this were the only rejection of claim 22, then making the action final would have been appropriate. But since the Office action included rejections (Cadman et al. and Jay et al. in view of Cadman et al.) of claimed material which was previously presented as claim 28, these new rejections preclude it from being appropriate to make the action of January 15, 2009 final.

#### **OTHER REMARKS**

By this amendment, the language of claims 22 and 30 has been incorporated into claim 31, and the language of claims 22 and 35 has been incorporated into claim 36, thus making claims 31 and 36 independent. The dependency of claims 23, 25-27, 29, 30, 33, 35, 39 and 40 has been changed accordingly.

New claim 43 has been added, which adds that the bore is oriented obliquely to the axis of the valve holder.

In the Final action the examiner rejected:  
claims 22, 25, 27 and 35 as anticipated by Cadman et al.,

claims 22, 23, 25, 27, 29-35 and 38 as unpatentable over Jay et al. in view of Cadman et al.,  
claims 39, 41 and 42 as unpatentable over Jay et al. in view of Cadman et al. and Yie,  
claim 40 as unpatentable over Jay et al. in view of Cadman et al. and Lindeboom,  
claim 26 as unpatentable over Jay et al. in view of Cadman et al. and Lauer et al.,  
claims 36 and 37 as unpatentable over Jay et al. in view of Cadman et al. and Weirich,  
and  
claim 22 as unpatentable over Jay et al. in view of Waffler et al.

The examiner has again rejected claim 22 based on Jay et al. in view of Waffler et al. But this rejection is still not a valid rejection, and thus the examiner was probably correct in adding the **new** rejections of claim 22 based on Cadman et al. and Jay in view of Cadman et al., which new rejections of an unamended claim preclude the action from properly being made final.

The rejection of claim 22 based on Jay et al. in view of Waffler et al. is not a valid rejection as pointed out in the amendment of November 18, 2008. In particular, this combination of references does not teach the structure of present claim 22 in that neither reference teaches structure which includes a valve piston (3) slidably supported in the valve insert (2) with the spring which biases it being braced against the valve holder (1), and further wherein the valve holder has a steplike transition which is seated on the valve insert.

In Jay et al. element 15 braces the spring. And even if, as the examiner has read Jay et al., elements 14 and 15 are consider together as the valve holder, this valve holder does not have a steplike transition which is seated on the valve insert.

Waffler et al. have an inlet at end 14 and an outlet 38. The only element in Waffler et al. which could be considered to be a valve piston would be head portion 88 which is slidable

in sleeve 76, or as the examiner has pointed out, this makes it slidable within the structure 12, which the examiner calls an insert. But this is not a fair reading, as element 12 is the valve housing, it is not an insert.

However, even if for the sake of argument, it were admitted that housing 12 could be considered to be an insert, and **applicants certainly do not admit such**, it is pointed out that the valve holder of Waffler et al., which braces the spring, is pressure adjustment member 56, which is adjustable within cap member 46 via threaded aperture 54. And the valve holder 56 does not have a steplike transition which is seated on the valve insert 12. And if, again **only** for arguments sake, it were admitted that housing 12 could be considered to be the insert, then perhaps cap member 46 should also be considered to be part of the insert since it is tightened by threads 48 to effectively become solid with housing 12. But under these considerations, the rejection still fails because holder member 56 is threaded to cap 46 at threads 54 to allow for adjustment, so that the connection between holder member 56 and the insert is still not a steplike seating, it is a threaded connection which is necessary within Waffler et al. to allow for adjustment.

With regard to claim 31, in figure 5 Jay et al. teaches a series of slots parallel to the axis of the valve piston and thus Jay et al. teach structure which is similar to applicants'. However, applicants' claim 31 recites that the flat surfaces are on the outer circumference of their piston 3. As opposed to this, in Jay et al. there are flat surfaces, but these surfaces are at the bottom of slots, not on the outer circumference as recited in claim 31. It is applicants' surfaces 3a being parallel to the axis of the valve piston, and on the outer circumference of

the piston which results in the advantages described in paragraph 21 of the specification. Thus, claim 31 recites surfaces which are parallel to the axis of the valve piston, are on the outer circumference of the piston, and it is this relationship which gives the unexpected and improved results over the surfaces of Jay et al.

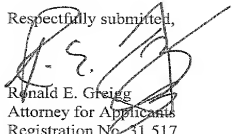
These parallel surfaces, being on the outer circumference, which result in applicants' improvements, are not taught by Jay et al. or by any of the cited references.

Claim 36 recites that the bore connects the interior of the valve holder cup to the outer jacket face of the valve holder. In his rejection the examiner has read this as equivalent to outflow conduit 11 of Weirich. However, both Jay et al. and Cadman et al. teach away from connecting to the outer jacket face as recited in claim 36. Both Jay et al. and Cadman et al. teach an "in line" valve, in that each have an inlet, 16 if Jay et al. and 32 of Cadman et al., plus an outlet, 17 in Jay et al. and 34 in Cadman et al. In other words, in both Jay et al. and Cadman et al., the valve is connected within a flow line, and no fluid is permitted to escape from their respective flow lines. Adding an outlet, as shown by Weirich at 11', would thus completely destroy the intentions of both Jay et al. and Cadman et al., in that this would permit fluid to flow out from the line in which their respective valves are connected.

Appl. No. 10/549,576  
Amdt. dated March 30, 2009  
Reply to Final Office action of Jan. 15, 2009

For all of the above reasons, singly and in combination with each other, entry of this amendment and allowance of the claims are courteously solicited.

Respectfully submitted,



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